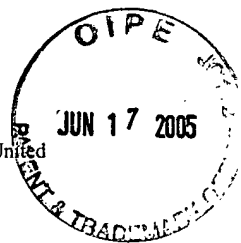


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:



PATENT

Docket No.: 020375-050200US

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On June 14, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: \_\_\_\_\_

*Janet L. Newmaker*

Janet L. Newmaker

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven L. VanFleet et al.

Application No.: 10/825,960

Filed: April 16, 2004

For: Methods And Systems For Private  
Label Transaction Processing

Customer No.: 20350

Confirmation No.: 8212

Examiner: Not Known

Art Unit: 3621

**PETITION TO ACCEPT APPLICATION ON  
BEHALF OF A JOINT INVENTOR WHO  
CANNOT BE REACHED UNDER 37 C.F.R. §  
1.47(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to accept the above-referenced application on behalf of John J. Mascavage III, a joint inventor, who cannot be reached after diligent effort.

A Request to Correct Inventorship, adding SuZanne Rogers, Blake Benton, Timothy Horton, Susan M. Nelson, Rhonda D. Sargent, Martin Stivers, and Gary J. Trainor as joint inventors, is being filed concurrently with this Petition.

06/20/2005 MAHME1 00000040 201430 10825960


01 FC:1463 200.00 DA

As required by MPEP 409.03(a), accompanying this Petition are the following.

- A. A Supplemental Declaration containing the signature of each of the other joint inventors while leaving the signature block of John J. Mascavage III blank is submitted herewith as Exhibit 1.
- B. A Declaration of Allison Frederick demonstrating that John J. Mascavage III cannot be reached after diligent effort to execute the Supplemental Declaration is submitted herewith as Exhibit 2.
- C. The last known address of John J. Mascavage III is 701 Harvard Road, San Mateo, CA 94402.

The Commissioner is authorized to charge the undersigned's Deposit Account No. 20-1430 for the processing fee set forth in 37 C.F.R. § 1.17(g) for filing this Petition. A Petition Fee Transmittal is enclosed for that purpose.

Respectfully submitted,

  
Patrick M. Boucher  
Reg. No. 44,037

Date: June 14, 2005

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: (303) 571-4000  
Fax: (415) 576-0300  
PMB/jln  
60514191 v1

**SUPPLEMENTAL DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND SYSTEMS FOR PRIVATE LABEL TRANSACTION PROCESSING, the specification of which was filed on April 16, 2004, as Application No. 10/825,960.

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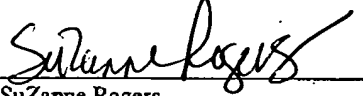

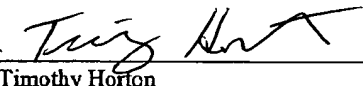
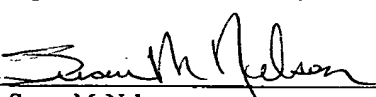
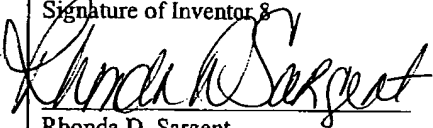
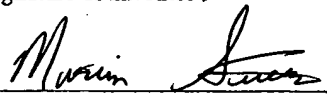
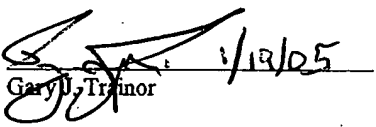
Full Name of Inventor 1:	Last Name: <b>ROGERS</b>	First Name: <b>SUZANNE</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Elkhorn</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>19301 Camden Avenue</b>	City: <b>Elkhorn</b>	State/Country: <b>Nebraska</b>
			Postal Code: <b>68046</b>

68022 SR  
1-10-05

Full Name of Inventor 2:	Last Name: <b>BENTON</b>	First Name: <b>BLAKE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <i>1321 S. 169th Ave.</i> <del>9815 Madison Plaza, #12</del> <i>(BB)</i>	City: <b>Omaha</b>	State/Country: <b>Nebraska</b>	Postal Code: <del>68127</del> <i>68130</i>
Full Name of Inventor 3:	Last Name: <b>BYRNE</b>	First Name: <b>MATTHEW</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>906 Killarney Drive</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68046</b>
Full Name of Inventor 4:	Last Name: <b>HORTON</b>	First Name: <b>TIMOTHY</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1020 East Cary Street</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>69046</b>
Full Name of Inventor 5:	Last Name: <b>MASCAVAGE III</b>	First Name: <b>JOHN</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>San Mateo</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>701 Harvard Road</b>	City: <b>San Mateo</b>	State/Country: <b>California</b>	Postal Code: <b>94402</b>
Full Name of Inventor 6:	Last Name: <b>MOLLETT</b>	First Name: <b>CASSANDRA</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Scottsdale</b>	State/Foreign Country: <b>Arizona</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>8426 East Shetland Trail</b>	City: <b>Scottsdale</b>	State/Country: <b>Arizona</b>	Postal Code: <b>85258</b>
Full Name of Inventor 7:	Last Name: <b>NELSON</b>	First Name: <b>SUSAN</b>	Middle Name or Initial: <b>M.</b>	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4916 North 136 Street</b>	City: <b>Omaha</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68164</b>
Full Name of Inventor 8:	Last Name: <b>SARGENT</b>	First Name: <b>RHONDA</b>	Middle Name or Initial: <b>D.</b>	
Residence & Citizenship:	City: <b>Cumming</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>2415 Bexford View</b>	City: <b>Cumming</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30041</b>
Full Name of Inventor 9:	Last Name: <b>STIVERS</b>	First Name: <b>MARTIN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Glenwood</b>	State/Foreign Country: <b>Iowa</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>313 Hillway, P.O. Box 91</b>	City: <b>Glenwood</b>	State/Country: <b>Iowa</b>	Postal Code: <b>51534</b>
Full Name of Inventor 10:	Last Name: <b>TRAINOR</b>	First Name: <b>GARY</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Duluth</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>245 Southern Hills Drive</b>	City: <b>Duluth</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30097</b>

Full Name of Inventor 11:	Last Name: <b>VANFLEET</b>	First Name: <b>STEVEN</b>	Middle Name or Initial: <b>L.</b>	
Residence & Citizenship:	City: <b>Southport</b>	State/Foreign Country: <b>Connecticut</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>160 Range Road</b>	City: <b>Southport</b>	State/Country: <b>Connecticut</b>	Postal Code: <b>06890</b>
Full Name of Inventor 12:	Last Name: <b>WING</b>	First Name: <b>DIANE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>East Lansing</b>	State/Foreign Country: <b>Michigan</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1024 Huntington Road</b>	City: <b>East Lansing</b>	State/Country: <b>Michigan</b>	Postal Code: <b>48823</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Suzanne Rogers Date <u>1-10-05</u>	Signature of Inventor 2  Blake Benton Date <u>1/7/05</u>	Signature of Inventor 3 _____ Matthew T. Byrne Date _____
Signature of Inventor 4  Timothy Horton Date <u>1/7/05</u>	Signature of Inventor 5 _____ John J. Mascavage III Date _____	Signature of Inventor 6 _____ Cassandra J. Mollett Date _____
Signature of Inventor 7  Susan M. Nelson Date <u>1-7-05</u>	Signature of Inventor 8  Rhonda D. Sargent Date <u>1-11-05</u>	Signature of Inventor 9  Martin Stivers Date <u>1-7-05</u>
Signature of Inventor 10  Gary J. Trainor Date <u>1/18/05</u>	Signature of Inventor 11 _____ Steven L. VanFleet Date _____	Signature of Inventor 12 _____ Diane Wing Date _____

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Signature of Inventor 1  _____ SuZanne Rogers Date	Signature of Inventor 2  _____ Blake Benton Date	Signature of Inventor 3  _____ Matthew T. Byrne Date <u>02/21/05</u>
Signature of Inventor 4  _____ Timothy Horton Date	Signature of Inventor 5  _____ John J. Mascavage III Date	Signature of Inventor 6  _____ Cassandra J. Mollett Date
Signature of Inventor 7  _____ Susan M. Nelson Date	Signature of Inventor 8  _____ Rhonda D. Sargent Date	Signature of Inventor 9  _____ Martin Stivers Date
Signature of Inventor 10  _____ Gary J. Trainor Date	Signature of Inventor 11  _____ Steven L. VanFleet Date <u>1/18/05</u>	Signature of Inventor 12  _____ Diane Wing Date



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Full Name of Inventor 2:	Last Name: <b>BENTON</b>	First Name: <b>BLAKE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
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Full Name of Inventor 3:	Last Name: <b>BYRNE</b>	First Name: <b>MATTHEW</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>906 Killarney Drive</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68046</b>
Full Name of Inventor 4:	Last Name: <b>HORTON</b>	First Name: <b>TIMOTHY</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1020 East Cary Street</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>69046</b>
Full Name of Inventor 5:	Last Name: <b>MASCAVAGE III</b>	First Name: <b>JOHN</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>San Mateo</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>701 Harvard Road</b>	City: <b>San Mateo</b>	State/Country: <b>California</b>	Postal Code: <b>94402</b>
Full Name of Inventor 6:	Last Name: <b>MOLLETT</b>	First Name: <b>CASSANDRA</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Scottsdale</b>	State/Foreign Country: <b>Arizona</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>8426 East Shetland Trail</b>	City: <b>Scottsdale</b>	State/Country: <b>Arizona</b>	Postal Code: <b>85258</b>
Full Name of Inventor 7:	Last Name: <b>NELSON</b>	First Name: <b>SUSAN</b>	Middle Name or Initial: <b>M.</b>	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4916 North 136 Street</b>	City: <b>Omaha</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68164</b>
Full Name of Inventor 8:	Last Name: <b>SARGENT</b>	First Name: <b>RHONDA</b>	Middle Name or Initial: <b>D.</b>	
Residence & Citizenship:	City: <b>Cumming</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>2415 Bexford View</b>	City: <b>Cumming</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30041</b>
Full Name of Inventor 9:	Last Name: <b>STIVERS</b>	First Name: <b>MARTIN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Glenwood</b>	State/Foreign Country: <b>Iowa</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>313 Hillway, P.O. Box 91</b>	City: <b>Glenwood</b>	State/Country: <b>Iowa</b>	Postal Code: <b>51534</b>
Full Name of Inventor 10:	Last Name: <b>TRAINOR</b>	First Name: <b>GARY</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Duluth</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>245 Southern Hills Drive</b>	City: <b>Duluth</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30097</b>

Full Name of Inventor 11:	Last Name: <b>VANFLEET</b>	First Name: <b>STEVEN</b>	Middle Name or Initial: <b>L.</b>	
Residence & Citizenship:	City: <b>Southport</b>	State/Foreign Country: <b>Connecticut</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>160 Range Road</b>	City: <b>Southport</b>	State/Country: <b>Connecticut</b>	Postal Code: <b>06890</b>
Full Name of Inventor 12:	Last Name: <b>WING</b>	First Name: <b>DIANE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>East Lansing</b>	State/Foreign Country: <b>Michigan</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1024 Huntington Road</b>	City: <b>East Lansing</b>	State/Country: <b>Michigan</b>	Postal Code: <b>48823</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  _____ SuZanne Rogers Date	Signature of Inventor 2  _____ Blake Benton Date	Signature of Inventor 3  _____ Matthew T. Byrne Date
Signature of Inventor 4  _____ Timothy Horton Date	Signature of Inventor 5  _____ John J. Mascavage III Date	Signature of Inventor 6  _____ Cassandra J. Mollett Date <i>2/15/05</i>
Signature of Inventor 7  _____ Susan M. Nelson Date	Signature of Inventor 8  _____ Rhonda D. Sargent Date	Signature of Inventor 9  _____ Martin Stivers Date
Signature of Inventor 10  _____ Gary J. Trainor Date	Signature of Inventor 11  _____ Steven L. VanFleet Date <i>1/18/05</i>	Signature of Inventor 12  _____ Diane Wing Date

**SUPPLEMENTAL DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND SYSTEMS FOR PRIVATE LABEL TRANSACTION PROCESSING, the specification of which was filed on April 16, 2004, as Application No. 10/825,960.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>ROGERS</b>	First Name: <b>SUZANNE</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Elkhorn</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>19301 Camden Avenue</b>	City: <b>Elkhorn</b>	State/Country: <b>Nebraska</b>
			Postal Code: <b>68046</b>

Full Name of Inventor 2:	Last Name: <b>BENTON</b>	First Name: <b>BLAKE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>9815 Madison Plaza, #12</b>	City: <b>Omaha</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68127</b>
Full Name of Inventor 3:	Last Name: <b>BYRNE</b>	First Name: <b>MATTHEW</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>906 Killarney Drive</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68046</b>
Full Name of Inventor 4:	Last Name: <b>HORTON</b>	First Name: <b>TIMOTHY</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Papillion</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1020 East Cary Street</b>	City: <b>Papillion</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>69046</b>
Full Name of Inventor 5:	Last Name: <b>MASCAVAGE III</b>	First Name: <b>JOHN</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>San Mateo</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>701 Harvard Road</b>	City: <b>San Mateo</b>	State/Country: <b>California</b>	Postal Code: <b>94402</b>
Full Name of Inventor 6:	Last Name: <b>MOLLETT</b>	First Name: <b>CASSANDRA</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Scottsdale</b>	State/Foreign Country: <b>Arizona</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>8426 East Shetland Trail</b>	City: <b>Scottsdale</b>	State/Country: <b>Arizona</b>	Postal Code: <b>85258</b>
Full Name of Inventor 7:	Last Name: <b>NELSON</b>	First Name: <b>SUSAN</b>	Middle Name or Initial: <b>M.</b>	
Residence & Citizenship:	City: <b>Omaha</b>	State/Foreign Country: <b>Nebraska</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4916 North 136 Street</b>	City: <b>Omaha</b>	State/Country: <b>Nebraska</b>	Postal Code: <b>68164</b>
Full Name of Inventor 8:	Last Name: <b>SARGENT</b>	First Name: <b>RHONDA</b>	Middle Name or Initial: <b>D.</b>	
Residence & Citizenship:	City: <b>Cumming</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>2415 Bexford View</b>	City: <b>Cumming</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30041</b>
Full Name of Inventor 9:	Last Name: <b>STIVERS</b>	First Name: <b>MARTIN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Glenwood</b>	State/Foreign Country: <b>Iowa</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>313 Hillway, P.O. Box 91</b>	City: <b>Glenwood</b>	State/Country: <b>Iowa</b>	Postal Code: <b>51534</b>
Full Name of Inventor 10:	Last Name: <b>TRAINOR</b>	First Name: <b>GARY</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>Duluth</b>	State/Foreign Country: <b>Georgia</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>245 Southern Hills Drive</b>	City: <b>Duluth</b>	State/Country: <b>Georgia</b>	Postal Code: <b>30097</b>

Full Name of Inventor 11:	Last Name: <b>VANFLEET</b>	First Name: <b>STEVEN</b>	Middle Name or Initial: <b>L.</b>	
Residence & Citizenship:	City: <b>Southport</b>	State/Foreign Country: <b>Connecticut</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>160 Range Road</b>	City: <b>Southport</b>	State/Country: <b>Connecticut</b>	Postal Code: <b>06890</b>
Full Name of Inventor 12:	Last Name: <b>WING</b>	First Name: <b>DIANE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>East Lansing</b>	State/Foreign Country: <b>Michigan</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1024 Huntington Road</b>	City: <b>East Lansing</b>	State/Country: <b>Michigan</b>	Postal Code: <b>48823</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  SuZanne Rogers  Date	Signature of Inventor 2  Blake Benton  Date	Signature of Inventor 3  Matthew T. Byrne  Date
Signature of Inventor 4  Timothy Horton  Date	Signature of Inventor 5  John J. Mascavage III  Date	Signature of Inventor 6  Cassandra J. Mullett  Date
Signature of Inventor 7  Susan M. Nelson  Date	Signature of Inventor 8  Rhonda D. Sargent  Date	Signature of Inventor 9  Martin Stivers  Date
Signature of Inventor 10  Gary J. Trainor  Date	Signature of Inventor 11  Steven L. VanFleet <i>Steven L. VanFleet</i> Date <b>1/18/05</b>	Signature of Inventor 12  <i>Diane Wing</i> Diane Wing Date <b>3-3-05</b>

60347938 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT  
Docket No.: 020375-050200US

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On June 14, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Janet L. Newmaker  
Janet L. Newmaker

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Steven L. VanFleet et al.

Application No.: 10/825,960

Filed: April 16, 2004

For: Methods And Systems For Private  
Label Transaction Processing

Customer No.: 20350

Confirmation No.: 8212

Examiner: Not Known

Art Unit: 3621

**DECLARATION OF ALLISON FREDERICK  
UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Allison Frederick, declare and state the following:

1. I am currently employed as a paralegal by First Data Corporation, assignee of the above-referenced application.
2. The subject application was filed on April 16, 2004, with Steven L. VanFleet, John J. Mascavage, Matthew T. Byrne, Diane Wing, and Cassandra J. Mollett named as joint inventors.

PATENT

3. On 2/13/05, John J. Mascavage left the employment of assignee First Data Corporation.

4. In September 2004, assignee First Data Corporation became aware of the inadvertent omission of SuZanne Rogers, Blake Benton, Timothy Horton, Susan M. Nelson, Rhonda D. Sargent, Martin Stivers, and Gary J. Trainor as joint inventors of the subject application and began to take necessary steps to add SuZanne Rogers, Blake Benton, Timothy Horton, Susan M. Nelson, Rhonda D. Sargent, Martin Stivers, and Gary J. Trainor as inventors. In accordance with the requirements of 37 C.F.R. § 1.48(a)(3) concerning Requests to Correct Inventorship, I provided each inventor with a Supplemental Declaration under 37 C.F.R. § 1.63 for execution.

5. On February 13, 2005, I sent an e-mail to John J. Mascavage at the personal e-mail address he provided to me when he informed me he was leaving the employment of assignee First Data Corporation. The e-mail included the Supplemental Declaration for his review and signature. A copy of the e-mail is submitted herewith as Exhibit A. I did not receive a response to the e-mail from John J. Mascavage.

6. On March 2, 2005, I sent a follow-up e-mail to John J. Mascavage at the same e-mail address requesting review and signature of the Supplemental Declaration. A copy of the follow-up e-mail is submitted herewith as Exhibit B. I did not receive a response to the follow-up e-mail from John J. Mascavage.

7. On April 5, 2005, I sent a letter, via DHL, to John J. Mascavage at his last known home address (701 Harvard Road, San Mateo, CA 94402). The letter included the Supplemental Declaration for his review and signature. Copies of the letter and DHL slip are submitted herewith as Exhibit C.



PATENT

8. On April 15, 2005, the unopened DHL package addressed to John J. Mascavage was returned to me. I contacted DHL and they were unable to give me an explanation as to why the package was returned. I also went on the DHL website to review the history of the package and could not determine why the package was returned. A copy of the DHL website printout showing the history of the package is submitted herewith as Exhibit D.

9. On May 18, 2005, I re-sent the letter, via DHL, to John J. Mascavage at the same address. The package was again returned to me with a written note on the DHL slip which stated "Please forward, Not at this address, Return to Sender." Copies of the letter and DHL slip are submitted herewith as Exhibit E.

10. On June 1, 2005, I received a voicemail message from a woman who did not identify herself. She stated that John Mascavage no longer resided at 701 Harvard Road, San Mateo, CA 94402.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: \_\_\_\_\_

6/9/05

  
Allison Frederick



Allison  
Frederick/EXE/DEN/FDC  
02/13/2005 10:03 AM

To john@masccavage.com  
cc  
bcc  
Subject Documents for your signature

Dear John,

Thank you for letting me know that you left and for providing a forwarding email. I am not sure what I will do without you and Margaret, you both have been so helpful to me, but I wish you the best of luck in your new endeavors.

I have a few things going on with your patent applications. As you are no longer with the company, I do not solicit advise on how to proceed with applications, but I will ask you to sign various documents as they come up. If we are able to keep in touch, then I will let you know when your applications issue as patents. This information is always good to include on a resume and to wow your friends.

As you know, we are in the process of formalizing the patent application entitled "Methods and Systems for Providing Guaranteed Merchant Transactions". Once we do so, I will send you the declaration and assignment for signature.

Now, I am enclosing 3 Supplemental Declarations. I've been asked to include Gary Trainor's group on these DDA Payment System applications. In order to complete the paperwork, I need all the original inventors to sign and date the Supplemental Declaration which lists all the inventors. Please execute these documents and fax them to me at 720.332.0518. As long as the fax is clean, I do not need the originals. The attachment indicates that it is for Margaret, but they are just misnamed.

**Please note: It is really easy to overlook the space for the date on the Declaration. Please date under your signature.**

Thank you for your time and best of luck to you.

Allison Frederick  
Patent Paralegal for  
First Data Corporation, Ken Algiene and  
Darin Gibby Townsend Townsend & Crew LLP

At FDC: M-W 720.332.5680, allison.frederick@firstdatacorp.com  
At TTC: TH-F 303.571.4000, adfrederick@townsend.com

The information contained in this electronic mail transmission (including any accompanying attachments) is intended solely for its authorized recipient(s), and may be confidential and/or legally privileged. If you are not an intended recipient, or responsible for delivering some or all of this transmission to an intended recipient, you have received this transmission in error and are hereby notified that you are strictly prohibited from reading, copying, printing, distributing or disclosing any of the information contained in it. In that event, please contact us immediately by telephone at 720-332-5680 and delete the original and all copies of this transmission (including any attachments) without reading or saving in any manner. Thank you.



Docs for Margaret to sign.pdf

**Frederick, Allison D.**

---

**To:** John Joseph Mascavage III (john@mascavage.com)

**Subject:** patent documents

**Contacts:** John Joseph Mascavage III

Dear John,

I am just following up on February 13th. Do you need another copy? May I please get them back by March 10th? That would be great. I will need all the sheets so the patent office knows that you saw and signed the entire document. Also, I may accept a fax copy. My fax number is 720.332.0518.

Thank you for your time and I hope that all is going well.

Allison  
720.332.5680

3/2/2005



First Data Corporation  
12500 E. Belford Avenue, M21A2  
Englewood, CO 80112  
[www.firstdata.com](http://www.firstdata.com)

April 5, 2005

VIA OVERNIGHT MAIL

John Mascavage  
701 Harvard Road  
San Mateo, CA 94402

Re: Patent documents for signature for 3 US Applications:  
*Methods and Systems for Online Transaction Processing;*  
*Methods and Systems for Private Label Transaction Processing; and*  
*Methods and Systems for Universal Transaction Processing*

Dear John:

Further to my emails dated February 13 and March 2, 2005, please find enclosed 3 Supplemental Declarations, one for each of the above-listed patent applications. We are adding several inventors to this application who were inadvertently missed when we filed the applications.

In order to complete this process, we must submit the executed Supplemental Declarations as signed by you. Please sign and date where indicated.

Kindly sign and date and return the documents in the enclosed envelope at your earliest convenience. Thank you for your time and efforts.

Very truly yours,

A handwritten signature in cursive script that reads 'Allison'.


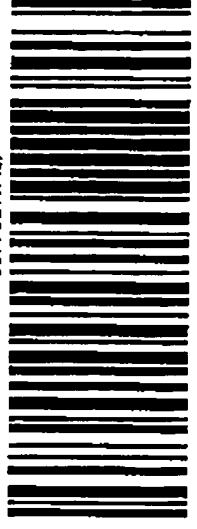

Allison Frederick  
Prosecution Paralegal for  
Ken Algiene

Enclosures

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www.dhl.com

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**EXTREMELY URGENT**

		<b>EXP</b>	Parcels: <b>1/1</b>
<b>Front FIRST DATA CORP</b> J. Robbins 12500 E BELFORD AVE ENGLEWOOD, CO 80112 UNITED STATES		<b>ORIGIN:</b> APA Sender's ref 01100-10560	
<b>To:</b> John Mascavage Mr. John Mascavage 701 Harvard Road San Mateo, CA 94402 UNITED STATES		<b>POSTCODE:</b> <b>94402</b> Tel:	
Description: Sent from Allison Frederick			
Weight: Letter Date: 2005-04-05 DHL standard terms and conditions apply.			
 (2L)US94402		<b>VTMQ 1P</b> <b>LLH</b>	
 WAYBILL: 25717454055 (Non-Negotiable)			

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Using a photocopy could delay the delivery of your package and will result in additional shipping charge

For Tracking, please go to [www.dhl-usa.com](http://www.dhl-usa.com) or call 1-800-225-5345

Thank you for shipping with DHL

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INTERNATIONAL SERVICE

SMALL BUSINESS CENTER

TECHNOLOGY TOOLS

ABOUT DHL

## TRACKING RESULTS: DETAIL

Start a new search

Tracking Number: 25717454055

### Shipment Summary:

Current Status: Shipment delivered.  
 Delivered on: 4/7/05 9:40 am  
 Delivered to: Residence Door  
 Signed for by: LD FD-701 HARVARD

Get Signature P.O.D.

### Shipment History:

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
4/7/05	9:40 am 7:23 am	Shipment delivered. Arrived at DHL facility.	South San Francisco, CA South San Francisco, CA
4/6/05	11:21 pm 1:49 am	Departing origin. Processed at Sort Facility.	Fresno, CA Wilmington, OH
4/5/05	4:27 pm	Picked Up by DHL.	Shipper's Door

### Shipper:

FIRST DATA CORP  
 Englewood, CO 80112  
 United States

### Receiver:

JOHN MASCAVAGE  
 San Mateo, CA 94402  
 United States

### Shipment Detail:

Service: Next Day AM  
 Special: 4  
 Weight: 1  
 Pieces: 1

Ship Type: Package  
 Description: SENT FROM ALLISON FREDERI  
 Shipper's Reference: 01100-10660

back to top

- Tracking detail provided by DHL: 4/15/2005, 1:38:34 pm pt.
- For assistance, please contact us.

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First Data Corporation  
12500 E. Belford Avenue, M21A2  
Englewood, CO 80112  
www.firstdata.com

April 5, 2005

resending  
5/18/05

VIA OVERNIGHT MAIL

John Mascavage  
701 Harvard Road  
San Mateo, CA 94402

Re: Patent documents for signature for 3 US Applications:  
*Methods and Systems for Online Transaction Processing;*  
*Methods and Systems for Private Label Transaction Processing; and*  
*Methods and Systems for Universal Transaction Processing*

Dear John:

Further to my emails dated February 13 and March 2, 2005, please find enclosed 3 Supplemental Declarations, one for each of the above-listed patent applications. We are adding several inventors to this application who were inadvertently missed when we filed the applications.

In order to complete this process, we must submit the executed Supplemental Declarations as signed by you. Please sign and date where indicated.

Kindly sign and date and return the documents in the enclosed envelope at your earliest convenience. Thank you for your time and efforts.

Very truly yours,

Allison Frederick  
Prosecution Paralegal for  
Ken Algiene

Enclosures

Dear John,  
This was returned to  
me from DHL overnight  
with no clear reason.  
I am resending. Hopefully  
you will receive it this  
time.

1-800-CALL-DHL

www.dhl.com


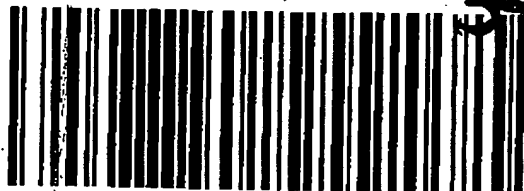
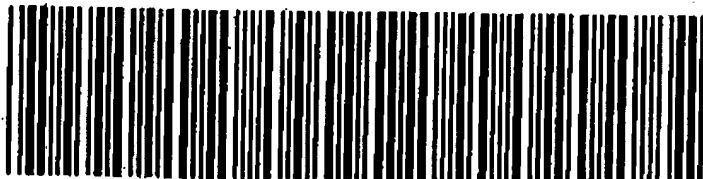
DO NOT SEND CASH, CASH EQUIVALENT OR JEWELRY.

TO P.O. BOXES.

Page 1 of 1

DHL: Prepare a shipment: Print waybill

EXPRESS

		<b>EXP</b>	Parcels: 1/1
<b>From:</b> FIRST DATA CORP J. Robbins SHIPPING 12500 E BELFORD AVE ENGLEWOOD, CO 80112 UNITED STATES Tel: 720-332-5208		<b>ORIGIN:</b> APA Sender's ref 01100-10540 POSTCODE: 94402 Tel: 650-375-1831	
<b>To:</b> Mr. John Mascavage Mr. John Mascavage 701 Harvard Road San Mateo, CA 94402 UNITED STATES		<b>USE</b> <b>RU</b>	
<b>NOT AT THIS ADDRESS</b>			
Description: Patent documents from Allison Research		Weight: Letter Date: 2005-05-18	
<b>OR RETURN TO SENDER</b>		<b>VTMGP</b> <b>LLH</b>	
			
(2L)US94402			
			
WAYBILL: 26324035253		(Non-Negotiable)	

Stick in this area.

DOCS (8/04) PN

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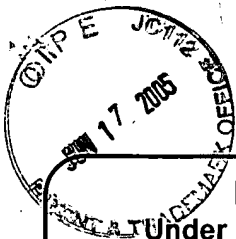
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**PETITION FEE****Under 37 CFR 1.17(f), (g) & (h)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/825,960
Filing Date	April 16, 2004
First Named Inventor	Steven L. VanFleet
Art Unit	3621
Examiner Name	Not Known
Attorney Docket Number	020375-050200US

**Enclosed is a petition filed under 37 CFR §1.47 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see or PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-1430 :  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- ✓ § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
SignaturePatrick M. Boucher  
Typed or printed nameJune 14, 2005  
Date44,037  
Registration No., if applicable